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YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			WOOD, ELLEN S	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/560,235

Filing Date: March 24, 2006

Appellant(s): LIMPENS, MARC

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Robert E. Goozner  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 08/06/2010 appealing from the Office action mailed 12/09/2009.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:  
Claims 1-15 and 21-22 are pending in the application.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

## (7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

4846917 Hartel et al. 06-1989

### (9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartel et al. (US 4,846,917, hereinafter "Hartel").

In regards to claims 1 and 21-24, according to the appellant a fabric jacket comprises at least one tubular zone and is constituted by two sheets of fabric which are covered with a coating on one or two faces. The coating is constituted by at least one layer of rubber (pg. 2 para 5). Hartel discloses a method for producing an inflatable hollow body from a double cloth, in which a layer of natural rubber is applied to the upper and lower piles of the double cloth and the edges of the double cloth (textile fabric) are joined with angle braces (col. 1 lines 9-14 and fig. 1). There is a tube that is formed from two superimposed sheets (fig. 2). The upper and lower piles 2 and 3 are coated with gas-tight cover layer 5 and 6 in order to be made air-tight (col. 2 lines 48-50 and figs. 1-2). Angle braces 7 and 8 (folded strips) are made of coated fabric (col. 2 lines 65-67 and figs. 1-2). The covering layers of rubber may be reinforced with a woven fabric (col. 1 lines 53-56). In weaving, a woven fabric is formed from warp threads and weft threads. The warp threads are the lengthwise threads and the weft threads are the perpendicular threads that are woven through the warp threads. All of the contacting surfaces between the double cloth 1 and the piles 5 and 6, as well as between these plies themselves and the angle braces 7 and 8 are suitably painted beforehand with an adhesion promoter (col. 3 lines 1-4 and figs. 1-2). The two piles or are kept apart by yarns or threads extending at right angles to the plies (col. 2 lines 40-45 and figs. 1 and 2). This is considered an anti-adhesive agent because it keeps the plies separated from one another in specified zones. All of the surfaces and edges to

be joined are then briefly pre-pressed with a pressing roller (col. 3 lines 4-5). The double cloth is then inflated and the angle braces firmly contacts the point at which the lower plies and the upper plies meet, contributing to effective secure sealing (col. 3 lines 33-40 and figs. 2).

In regards to claim 2, Hartel discloses that lower plies 2 and 3 are coated with gas-tight cover layers 5 and 6 (col. 2 lines 48-51 and figs. 1-2).

In regards to claim 3, Hartel discloses that the lower plies 2 and 3 may optionally be coated on both sides with natural rubber (col. 2 lines 56-60 and figs. 1-2).

In regards to claim 4, Hartel discloses that the coated layers of the plies and the angle braces are those of (col. 2 lines 48-53).

In regards to claim 6, Hartel discloses that all the surfaces and edges to be joined are then briefly pre-pressed (col. 3 lines 4-5), which would include the angle braces. The hollow body is introduced into a vulcanization chamber (col. 3 lines 26-28), which would be considered a heat source.

In regards to claim 7, Hartel discloses that the angle braces 7 and 8 are suitably painted beforehand with an adhesion promoter (col. 3 lines 1-4 and figs. 1-2). Thus, when the angle braces are pressed together they would be adhesively-bonded to the plies.

In regards to claims 10-11, Hartel discloses the covering layers of rubber may be reinforced with a woven fabric (col. 1 lines 53-56). In weaving, a woven fabric is formed from warp threads and weft threads. The warp threads are the lengthwise threads and the weft threads are the perpendicular threads that are woven through the warp threads.

In regards to claim 12, Hartel discloses an inflated tube that is rectilinear (fig. 2).

In regards to claim 15, Hartel discloses that the hollow bodies are suited for the bottoms or side wall of inflatable boats or for inflatable mattresses (col. 2 lines 46-48). It would be obvious to form the hollow body in a torus shape, because the required shape of the hollow body depends of the use of the hollow body.

Hartel is silent with regards to the formation of the folded strips and the use of a plastics material for the cover layer.

In regards to the formation of the folded strips, Hartel discloses angle braces 7 and 8 which are made from coated fabric that may be woven. It would be obvious to form the angle braces with an identical manner in order to ensure the proper mechanical properties for both sides of the hollow body. In the same manner, the angle braces are put in place on the sides (col. 2 lines 65-67 and figs. 1-2). The double cloth is then inflated and the angle braces firmly contacts the point at which the lower plies and the upper plies meet, contributing to effective secure sealing (col. 3 lines 33-40 and figs. 2). It would be obvious to one of ordinary skill in the art that the angle braces would be formed from folded strips that were previously cut to have a specific width, length and proper inclination of the warp and weft threads from a strip of coated fabric, otherwise the angle braces would not effectively seal when the body is inflated.

It would be obvious to one of ordinary skill in the art to use a plastics material for the cover layer instead of a rubber layer, because it is known that plastics materials provide barrier protection which would be an effective way to ensure a gas-tight seal.

**(10) Response to Argument**

The appellant is claiming a method for continuously producing a coated fabric jacket which comprises at least one gas-tight tube. Claim 1 and Claim 22 as presented provide little requirement to what is defined by "continuously." The appellant argues that "continuously" is having the operation carried out continuously on a machine having one or more rollers to press and adhesive the layers. However, the use of rollers to press and adhesive layers is not claimed. Also, the claims do not require that the continuous process has to be done on a machine. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hartel et al. disclose that the steps in which the fabricated hollow objects are formed are subsequent (claim 1). Thus, as each step subsequently follows the next it would be considered a continuous process.

Also, the claim does not limit the "continuous" method to the steps in which the fabricated jacket is formed. A "continuous" method for producing a coated fabric jacket could define a process in which one coated fabric jacket is formed using one tube, then another coated fabric jacket is formed with only one tube, and so. The claim does not state that there has to be multiple tubes joined together to form the coated fabric jacket.

The appellant argues that Hartel et al. do not teach or infer tubes that are cylindrical.

In response, the appellant does not claim a cylindrical tube. The appellant does not state in the specification that the tube has a cylindrical profile. Thus, given the broadest reasonable interpretation of the claim, a tube is considered a long hollow object. Hartel et al. disclose an inflatable hollow body (col. 1 lines 9-11). The inflatable hollow body has a tubular shape (fig. 2). Thus, Hartel et al. disclose a method for continuously producing a coated fabric jacket which comprises at least one tube. The examiner would also like to note that the claim does not require multiple tubes. The claim requires that the coated fabric jacket comprises at least one tube. Thus, Hartel et al. reads on the claims as presented by the appellant.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ELLEN S WOOD/

Conferees:

/Jennifer C McNeil/  
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